

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

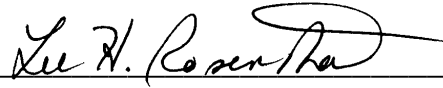
| | | |
|------------------------------|---|----------------------------|
| W. STEVE SMITH, TRUSTEE, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| V. | § | CIVIL ACTION NO. H-05-1779 |
| | § | |
| AMERICAN FOUNDERS FINANCIAL, | § | |
| CORP., <i>et al.</i> , | § | |
| | § | |
| Defendants. | § | |

ORDER

On March 22, 2007, Smith filed a motion for new trial and reconsideration of this court's March 10, 2007 memorandum, opinion, and order setting a scheduling conference. On April 4, 2007, the parties agreed to extend AFFC's deadline to respond to April 25, 2007. (Docket Entry No. 132). AFFC has moved for an additional extension, (Docket Entry No. 134), which Smith opposes, (Docket Entry No. 135). Counsel for AFFC states that because of the recent resignations of several AFFC officers and directors, counsel has been unable to discuss issues relating to this case with an AFFC representative. Smith's motion for new trial concerns issues that this court discussed at some length in its March 10, 2007 memorandum, opinion, and order. Counsel for AFFC should have an opportunity to discuss these matters with a representative from AFFC. This court does not find that the extension is sought to delay this case.

AFFC's motion for an extension is granted. AFFC's response to Smith's motion for new trial is due by May 25, 2007. No further extensions will be granted.

SIGNED on April 30, 2007, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is positioned above a horizontal line. The signature is written in a cursive style with a large, looping initial "L".

Lee H. Rosenthal
United States District Judge